

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

VALORIE STEELE,)	
)	
Plaintiff,)	
)	CASE NO.: 2:21-cv-203
v.)	
)	
ALFRED J. RICH and KOLEASECO,)	
INC.,)	
)	
Defendants.)	
)	

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES AND CLERK OF THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1332, 1441, and 1446, 28:1441; Defendants, ALFRED J. RICH and KOLEASECO, INC. (collectively “Defendants”), by counsel, hereby file this Notice of Removal to remove the above-entitled action to this Court based upon the following supporting grounds. Defendants, appearing solely for the purpose of this removal, and for no other purpose, and preserving all other defenses available to them, state as follows:

VENUE

1. Removal to the Northern District of Indiana, Hammond Division, is appropriate pursuant to 28 U.S.C. § 1441(a), because the Northern District of Indiana, Hammond Division, embraces the County of Porter, where the action was pending prior to the filing of this Notice of Removal.

REMOVAL IS TIMELY

2. On or about May 26, 2021, Defendant, Alfred Rich was served with a Summons and Complaint in the above-entitled action via his Attorney Robert R. Foos, Jr., in Indianapolis, Indiana.

3. The above-entitled action was commenced against Defendants in the Porter County Superior Court, of the State of Indiana, Cause No. 64D01-2102-CT-001190 and is now pending therein. Therefore, removal is timely under 28 U.S.C. § 1446 (b)(1).

STATE COURT PROCEEDINGS

4. On February 8, 2021, Plaintiff, Valorie Steele (hereinafter “Plaintiff”) filed her Complaint and Summons in the above-entitled action against Defendants in the Porter County Superior Court in the State of Indiana, Cause No. 64D01-2102-CT-001190 and is now pending therein.

5. Defendants assert that there are no state court motions that remain pending at the time of this Notice of Removal.

DIVERSITY JURISDICTION EXISTS

6. This is a civil action that falls within the Court’s original jurisdiction under 28 U.S.C. § 1332 and is one that may be removed to this Court based on diversity of citizenship under 28 U.S.C. §§ 1441 and 1446.

7. Plaintiff, Valorie Steele is a citizen of the State of Indiana.

8. Defendant, Alfred J. Rich is a citizen of the State of Michigan.

9. Koleasco, Inc. is a Michigan corporation with its principal place of business in Michigan.

10. Because Koleasco, Inc. is not incorporated in Indiana or have its principal place of business in Indiana, it is not a citizen of the State of Indiana for purposes of diversity jurisdiction.

11. There is complete diversity of citizenship between the parties named in this case.

12. Plaintiff's Complaint for Damages does not demand a specific sum of monetary damages. The State of Indiana does not permit a demand for a specific sum or permit recovery of damages in excess of the amount demanded. Therefore, this Notice of Removal states that the monetary value of the amount in controversy exceeds \$75,000, exclusive of interest and costs, based upon the following:

- a. According to Plaintiff's Complaint, Plaintiff suffered personal injuries, physical and mental pain and suffering, medical expenses, permanency and other pecuniary damages. (Compl. ¶ 22).
- b. Counsel for Defendants has contacted Plaintiff's Counsel to discuss injuries and damages, and whether Counsel will execute a Stipulation and Covenant not to execute a judgment in excess of \$75,000, exclusive of interest and costs to remain in State Court. To date, Plaintiff's Counsel has not consented to a stipulation and covenant not to execute to remain in State Court.

13. Based upon the injuries alleged and damages claimed by Plaintiff, she seeks recovery in excess of \$75,000 exclusive of interest and costs, the value to Plaintiff of the relief sought in the Complaint exceeds \$75,000 exclusive of interest and costs, and/or the amount in controversy exceeds \$75,000 exclusive of interest and costs.

14. Therefore, this state court action is properly removed to this Court in accordance with 28 U.S.C. §§ 1441 and 1446 because: (1) this action is a civil action pending within the

jurisdiction of the United States District Court for the Northern District of Indiana, Hammond Division; (2) this action is between citizens of different States; (3) the amount in controversy exceeds \$75,000, exclusive of interest and costs.

STATUTORY REQUIREMENTS

15. Pursuant to 28 U.S.C. § 1446(a), a copy of the entire state court file is attached as an Exhibit and includes the State Court Record as of the date of this Notice of Removal, including the following: Plaintiff's Complaint, Appearance and Summons to Defendants.

16. A copy of this Notice of Removal has been filed in the Porter County Superior Court and all parties have been served with both this Notice of Removal and the Notice of Filing Notice of Removal.

WHEREFORE, Defendants, ALFRED J. RICH and KOLEASECO, INC., by counsel, respectfully request that the above-entitled action be removed from the Marion County Superior Court to the United States District Court for the Northern District of Indiana, Hammond Division.

LEWIS WAGNER, LLP

By: /s/Robert R. Foos, Jr.
ROBERT R. FOOS, JR., #20885-45
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2021, a copy of the foregoing Notice of Removal was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

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By: /s/ Robert R. Foos, Jr.
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